

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KELLIE LYNN, guardian and
conservator of Frederick E.
Haynes, Sr.

Plaintiff,

Civil No. 08-12714
Hon. John Feikens
Magistrate Michael Hluchaniuk

v.

STATE FARM MUTUAL
AUTOMOBILE INSURANCE CO.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

I have before me, Magistrate Judge Michael Hluchaniuk's Report and Recommendation ("Report"). In his Report, Magistrate Judge Hluchaniuk recommends that I dismiss Plaintiff's Complaint without prejudice for failure to prosecute. Neither party has filed objections to Magistrate Judge Hluchaniuk's Report during the time set aside for doing so.

If a party objects to specific portions of a report and recommendation within the allotted time, the Court should "make a de novo determination of those portions." 28 U.S.C. §636 (b)(1). If neither party objects to the report and recommendation in the time set aside for doing so, a district court need not review it by any standard. 28 U.S.C. § 636(b)(1), see also Lardie v. Birkett, 221 F.Supp.2d 806, 807 (E.D. Mich. 2002). A district court "may accept, reject or modify, in whole or in part, the finding or recommendation made by the magistrate." 28 U.S.C. § 636(b)(1).

I find that Magistrate Judge Hluchaniuk has thoroughly and correctly analyzed the issues

and I agree with his recommendation. For these reasons, I ADOPT Magistrate Judge Hluchaniuk's Report and DISMISS the Plaintiff's Complaint without prejudice for failure to prosecute.

IT IS SO ORDERED.

Date: April 16, 2009

s/ John Feikens

John Feikens
United States District Judge

Proof of Service

I hereby certify that the foregoing order was served on the attorneys/parties of record on April 16, 2009, by U.S. first class mail or electronic means.

s/Carol Cohron
Case Manager